

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

v.

EAGLE EYE NETWORKS, INC.,

Defendant.

CIVIL ACTION NO. 6:20-cv-1102

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Eagle Eye Networks, Inc. (“EEN”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “‘221 Patent”) and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.
2. On information and belief, Defendant is a Delaware corporation, with a place of business at 4611 Bee Cave Rd., #200, Austin, TX 78746. On information and belief, Defendant may be served through its agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

BACKGROUND

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE
(Infringement of United States Patent No. 8,856,221)

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the Eagle Eye video monitoring and management platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g., video, audio, etc.) and delivering requested media content (streaming video) to a consumer device (e.g., mobile device with app). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Immediate Situational Awareness

Activation of first responder real-time video access offers immediate Situational Awareness. This can be crucial if there are intruders, fire or other crises. Insights gained from clear visibility can directly impact actions, such as necessary evacuations and other protective actions for both victims and first responders.



Source: <https://www.een.com/first-responder-real-time-video-access/>

Eagle Eye Cloud Video Replication

Add Cloud to Your Existing Video Surveillance System

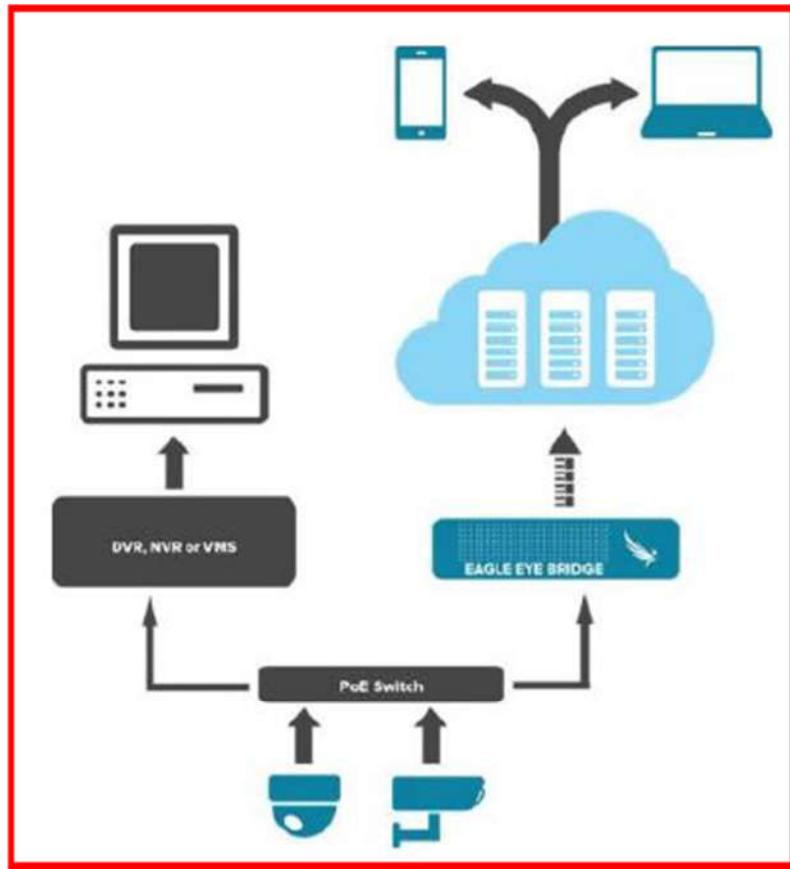
Cloud storage and on-premise storage combined

Eagle Eye Cloud Video Replication allows organizations to extend the capabilities of their existing video management systems to include a copy of locally stored surveillance video in the cloud.

With Eagle Eye Cloud Video Replication, there is no need to replace existing video management system. It eliminates the headaches of replacing an entire system – along with the added cost of doing so.

With Eagle Eye Cloud Replication, off-site cloud backup is added to your existing video surveillance system. And we make it easy. There is no software to buy and install, no license keys, and no OS to maintain.

Source: <https://www.een.com/product/eagle-eye-cloud-video-replication/>



Source: <https://www.een.com/product/eagle-eye-cloud-video-replication/>



Computer, Tablet & Mobile Interface

Access and control from your computer, tablet or phone

Use your computer, tablet or cell phone from anywhere to view your live or historic video. Make your video more accessible to more people anywhere in the world.

Eagle Eye Cloud Video Replication comes with free mobile applications so that you can view live video, navigate video, turn cameras on and off, or email videos.

Source: <https://www.een.com/product/eagle-eye-cloud-video-replication/>

19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



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Source: <https://www.een.com/product/eagle-eye-cloud-video-replication/>

The Eagle Eye Cloud VMS is a cloud security camera system which provides 100% cloud management, 100% mobile and web browser viewing, and if you want - 100% cloud recording. This cloud video system has been architected from the ground up to be all cloud all the time. You can click and add an analog or IP camera at any time. You can click and change how long you keep your recordings.

Source: <https://www.een.com/product/cloud-vms-system-overview/>

The Eagle Eye Viewer allows you to access both live and recorded video from your Eagle Eye Security Camera VMS. Like the web application, you are able to access multiple locations in a single view.

Highlights include:

- View Live Video
- View Recorded Video
- History Browser Indicating Motion
- Zoom
- Update Video Layouts

Source: <https://play.google.com/store/apps/details?id=com.eagleeye.mobileapp&hl=en&gl=US>

The image contains two side-by-side screenshots of the Eagle Eye Networks website. Both screenshots have a red border around the main content area.

Left Screenshot (Login Page):

- Header: EAGLE EYE NETWORKS with a stylized eagle logo.
- Form fields:
 - Email Address:
 - Password:
 - Sign In button (highlighted with a red box)
- Checkboxes:
 - Remember me?
- Links:
 - [Forgotten Password?](#)
 - [Reset your password](#)

Right Screenshot (Sign Up Page):

- Header: EAGLE EYE NETWORKS with a stylized eagle logo.
- Text: "New to Eagle Eye Networks? Sign up"
- Form fields:
 - Account Name:
 - First Name:
 - Last Name:
 - Email Address:
 - Password:
 - Confirm Password:
- Sign up button (highlighted with a red box)

Source: <https://login.eagleeyenetworks.com/login.html?success=%2F>

Source: <https://login.eagleeyenetworks.com/signup.html>

20. The Product necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

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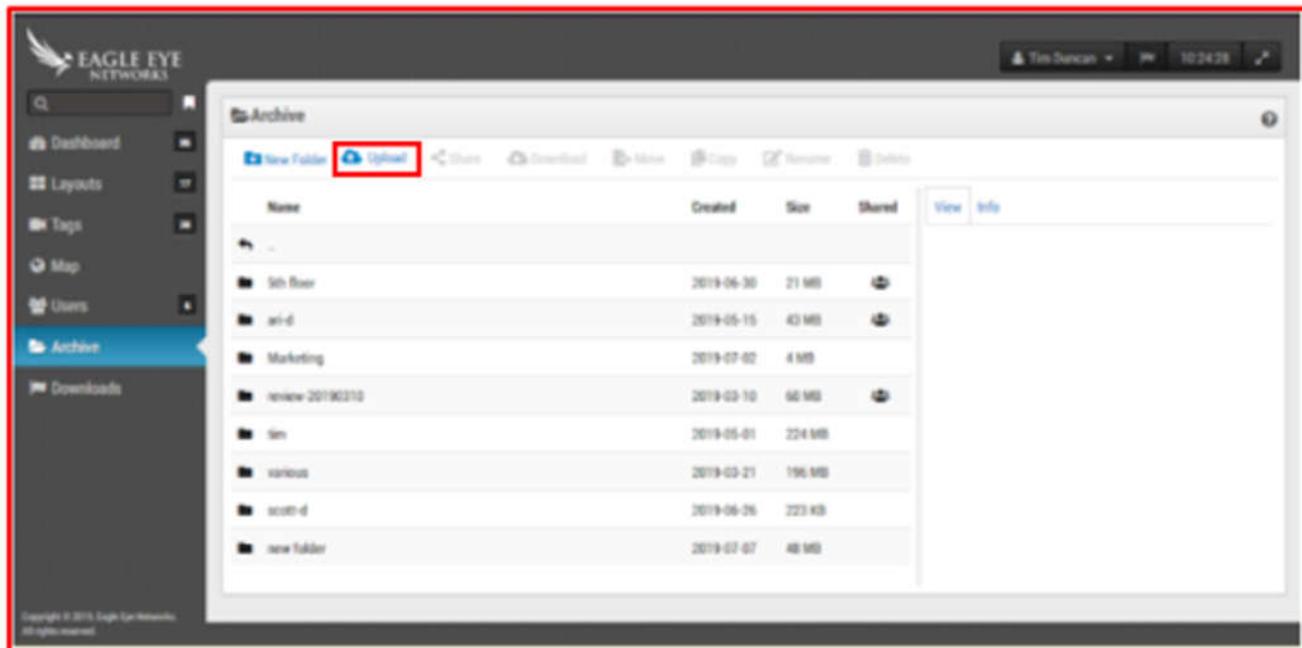
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Source: <https://www.een.com/product/eagle-eye-cloud-video-replication/>

Archiving is a feature which allows the saving of video clips outside of retention while utilizing the Eagle Eye Cloud VMS' robust and redundant cloud storage. The "Archive" is represented in directory format where folders and files can be organized and optionally shared via a secure link to anyone without requiring a user login. The secure links can be revoked anytime. Any files and folders that are shared are clearly marked within the Archive.

Source: <https://www.een.com/archiving/>



Source: <https://www.een.com/archiving/>

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Source: <https://play.google.com/store/apps/details?id=com.eagleeye.mobileapp&hl=en&gl=US>

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must

verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store media content is limited to a certain amount of time). If any media content is streamed the user has the option to upload it to cloud storage. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

23. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

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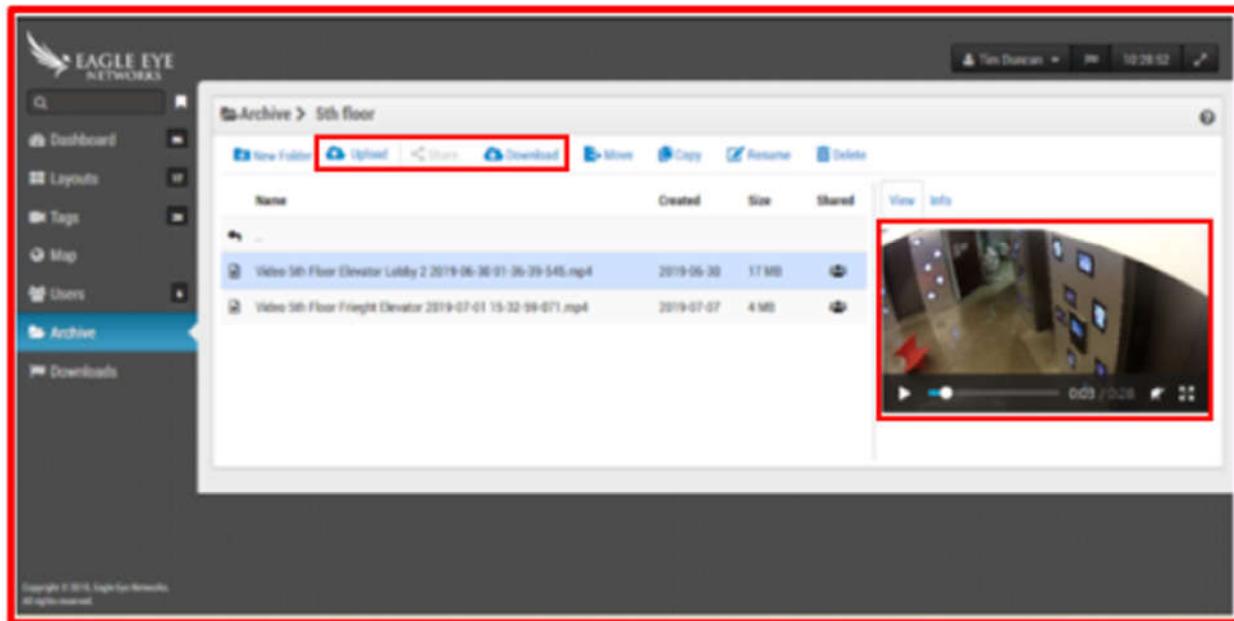
Source: <https://www.een.com/first-responder-real-time-video-access/>

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Source: <https://www.een.com/product/cloud-vms-system-overview/>

24. The media data includes time that indicates a length of time to store the requested media content. For example, a user is allowed to store media content of certain time period. Uploading

media content to storage will depend on the time period or size of that particular media content. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Source: <https://www.een.com/archiving/>

The screenshot shows a file archive interface with a red border. At the top, there are buttons for 'New Folder', 'Upload' (highlighted with a red box), 'Delete', 'Move', 'Copy', 'Rename', and 'Delete'. Below this is a table with columns: Name, Created, Size, Shared, View, and Edit. Two video files are listed:

Name	Created	Size	Shared	View	Edit
Video 5th Floor Elevator Lobby 2 2019-06-30 01:26:29-545.mp4	2019-06-30	17 MB			
Video 5th Floor Freight Elevator 2019-07-01 15:32:09-071.mp4	2019-07-01	4 MB			

To the right of the table, detailed information is provided for the first video file:

Filename: Video 5th Floor Elevator Lobby 2 2019-06-30 01:26:29-545.mp4
Camera Name: 5th Floor Elevator Lobby 2
Created: 2019-06-30 13:58:45
Created By: Tim Duncan (1)
Start Time: 2019-06-30 01:26:39
End Time: 2019-06-30 01:37:07
Date Shared: 2019-07-02 11:18:44
Share Link: <https://c000.eenjournernetworks.com/static/drivefs/>
Comments:
Tags: add a tag

Source: <https://www.een.com/archiving/>



Source: <https://www.een.com/archiving/>

25. The Product must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g. the product must verify that a particular requested data is stored in the cloud). Also, the processor (i.e. the processor of mobile devices with the app) is configured to determine whether the media content exists (i.e. user can search the archived media content and processor can identify the existence of that particular media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Easily Search Archived Videos

Your video recordings are stored long-term in the Eagle Eye Cloud Data Center. Descriptions and metadata make for easy search and retrieval. Businesses can label and tag recordings for historical reference, review, or evidence.

Video retention periods vary. Businesses can store video for 3-10 years and even up to 30 years.

Videos can be downloaded in MP4 format and shared with a simple click in the web browser.

Central Control

Record video from multiple locations and is securely stored in the Eagle Eye Cloud Data Center. Retrieval can be performed by remote or centralized personnel, which is ideal for internal or external compliance applications.

The Eagle Eye Contract Vault also allows businesses to delegate access, give relevant personnel access, and revoke access on a user basis.

The Eagle Eye Contract Vault provides an audit trail of all access and recordings.

Source: <https://www.een.com/product/contract-vault/>

26. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., user access restrictions, subscription, etc.). Certain aspects of these elements are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Eagle Eye Cloud Video Surveillance Subscriptions

Cloud Video Storage

The Eagle Eye Security Camera VMS is delivered via Eagle Eye subscription plans. An Eagle Eye Bridge or an Eagle Eye CMVR is required. The subscription plans are priced per camera per month, and vary based on camera resolution and desired retention period. All plans include web and mobile access, 24/7 operational monitoring, and unlimited alerts. The following plans are our most popular, but higher resolution and/or different retention periods are available. Please contact us for more details.

	SD/Analog	HD 720P	HD 1080P
7 days	SD-7	HD-7	HD2-7
30 days	SD-30	HD-30	HD2-30
90 days	SD-90	HD-90	HD2-90
180 days	SD-180	HD-180	HD2-180
365 days	SD-365	HD-365	HD2-365

On-Premise Storage

Eagle Eye Networks also offers a plan for on-premise storage. You must purchase an Eagle Eye CMVR; this plan will NOT work with an Eagle Eye Bridge. The retention period will vary depending on the amount of storage your hardware supports.

Although your video is stored on-premise, you will still receive access to our cloud management system, which allows you to view your recordings.

	SD/Analog	HD 720P	HD 1080P
On-Premise	M10	M10	M10

Source: <https://www.een.com/product/cloud-vms-subscriptions/>

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

34. Plaintiff is in compliance with 35 U.S.C. § 287.

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

DEMAND FOR JURY TRIAL

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: December 3, 2020

Respectfully submitted,

/s/ Jay Johnson
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ATTORNEYS FOR PLAINTIFF

EXHIBIT A